REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claim 1, 13 and 21 are amended. Claims 1 – 32 are pending.

Rejection of Claims Under 35 U.S.C. §102

The Examiner rejects claims 1-4, 13, 15, 18-19, 21-24, 27 and 29 under 35 U.S.C. Section 112 as being anticipated by Gong (U.S. Patent 6,418,411) ("Gong"). Applicants have amended claims 1, 13 and 21 without prejudice or disclaimer. We note that these claims now distinguish over Gong.

First, Gong discloses hands-free speech recognition in a vehicle environment. Col. 1, lines 15 – 42. The context of Gong is a cellphone within the car in which the user can provide some hands free control such as "call mom" or providing digit sequences for dialing. Col. 5, lines 12 – 14. These simple commands in the context of hands free dialing utilize a local speech recognizer on the cellphone as is known. Claims 1, 13 and 21 now recite that utterances are received over a network which feature is clearly not taught or suggested by Gong.

Next, Applicants respectfully submit that neither Gong nor the other cited art teaches anything regarding utilizing a probability associated with the acoustic environmental data. This feature is also now included in claims 1, 13 and 21. Paragraph [0019] of the specification provides support for this feature. Non limiting examples of using probabilities in speech recognition are found in the specification.

Therefore, Applicants respectfully submit that the independent claims recite patentable subject matter and submit that claims 1 – 32 are in condition for allowance.

Rejection of Claims Under 35 U.S.C. §103(a)

The Examiner rejects claims 5, 6 and 25 under 35 U.S.C. §103(a) as being unpatentable over Gong in view of Kanevsky et al. (U.S. Patent 6,442,519) ("Kanevsky"). The Examiner rejects claims 7-8 and 26 under 35 U.S.C. §103(a) as being unpatentable over Gong in view of Hunt et al. (U.S. Patent 6,094,476) ("Hunt"). The Examiner rejects claim 11 under 35 U.S.C. §103(a) as being unpatentable over Gong in view of Cilurzo et al. (U.S. Patent 6,434,526) ("Cilurzo"), and further in view of Sonmez et al. (U.S. Patent 5,745,872) ("Sonmez"). The Examiner rejects claims 9, 12, 20, 28 and 32 under 35 U.S.C. §103(a) as being unpatentable over Gong in view of Cilurzo. The Examiner rejects claim 10 under 35 U.S.C. §103(a) as being unpatentable over Gong in view of Heck et al. (U.S. Patent 5,950,157) ("Heck"), and further in view of Cilurzo. The Examiner rejects claim 14 under 35 U.S.C. §103(a) as being unpatentable over Gong in view of Hoffberg et al. (U.S. Patent 5,875,108) ("Hoffberg"). The Examiner rejects claim 16 under 35 U.S.C. §103(a) as being unpatentable over Gong in view of Byers (U.S. Patent 6,219,645) ("Byers"). The Examiner rejects claims 17 and 30-31 under 35 U.S.C. §103(a) as being unpatentable over Gong in view of Heck.

Applicants maintain their arguments that one of skill in the art would not find it obvious to combine the various references above. Applicants in making the amendments herein do not acquiesce to the analysis in the Final Office Action regarding the motivation to combine. For example, on page 3 of the Final Office Action, the Office Action argues that the motivation to combine is not derived from Gong but from Kanevsky. Applicants submit that the Examiner should not ignore the teachings of one reference that teach away from combination while embracing teachings from another reference. The suggestive power of each reference must be included in the overall analysis that then is balanced by a preponderance of the evidence. The Office Action then misreads the Gong reference on Page 3 as indicating that a large local speech

database would provide costly (col. 5, lines 19 – 24) and thus implementing the method of Gong in a network environment would be obvious. This is incorrect because Gong teaches in Col. 5, lines 19 – 24 that the Gong method itself addresses the issue of training to collect large speech databases in the car, which would be costly and unsafe. In other words, Gong identifies that training is not necessary in the ordinary sense because of the adaptive speech recognition approach disclosed by Gong. So contrary to the Office Action's argument that this teaching in Col. 5 would lead a person of skill in the art to a network-based patent like Kanevsky, it would clearly teach to a person of skill in the art that such a network based approach or looking outside of the Gong reference to get the benefit of improved speech recognition without utilizing large databases is not needed in the automobile context because Gong has solved that very problem.

The Office Action on page 3 further asserts that "there is no negative teaching regarding the implementation of speech model adaptation in a computer network-based application." Applicants traverse this analysis and submit that based on the above discussion, Gong really does negatively teach a network-based speech recognition based on the underlying invention disclosed by Gong, which highlights the benefit of their automobile based approach and that already does not need to collect large speech databases in the car. On the balance and by a preponderance of the evidence based on the suggestive power of Gong and Kanevsky, Applicants respectfully submit that these two references still should not be combined.

Applicants maintain their earlier arguments regarding the lack of motivation to combine these references.

CONCLUSION

Having addressed all rejections and objections, Applicant respectfully submits that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Law Office of Thomas M. Isaacson**, **Account No. 502960** for any deficiency or overpayment.

Respectfully submitted,

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